



PEEL DEVELOPMENT COMMISSION

Freedom of Information Statement

Updated February 2017

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PEEL DEVELOPMENT COMMISSION

Our Vision

The Peel is a progressive, prosperous and dynamic region with a culture of care.

Our Purpose

Connecting communities, the environment and industry to generate innovative solutions and promote sustainable economic and social development.

Legislation Administered

Peel Development Commission (the Commission) was established under Section 21 of the *Public Service Act 1978* on January 1, 1993. This Commission became a Statutory Authority upon proclamation of the *Regional Development Commissions Act 1993* on April 8, 1994.

The following legislation applies to the Commission's operations:

Regional Development Commissions Act 1993

An Act to establish Regional Development Commissions to coordinate and promote the economic development of regions of Western Australia, to provide for the establishment of Regional Development Advisory Committees, to establish a Regional Development Council, to continue existing regional development bodies as commissions under this Act, to repeal certain Acts and for related purposes.

Constitutions Acts Amendment Act 1899

An Act to amend the Constitutions Act 1889, and to amend and consolidate the Acts amending the same.

Industrial Relations Act 1979

An Act to consolidate and amend the law relating to the prevention and resolution of conflict in respect of industrial matters, the mutual rights and duties of employers and employees, the rights and duties of organisations of employers and employees, and for related purposes.

Workers Compensation and Rehabilitation Act 1981

An Act to provide legislative framework for Workers Compensation and Rehabilitation.

Equal Opportunity Act 1984

An Act to promote equality of opportunity in Western Australia and to provide remedies in respect of discrimination on the grounds of sex, marital status, pregnancy, family responsibilities, race, religious or political conviction or involving sexual harassment.

Occupational Health, Safety and Welfare Act 1985

An Act to promote and improve standards for occupational health, safety and welfare, to establish the Occupational Health, Safety and Welfare Commission, to facilitate the coordination of the administration of the laws relating to occupational health, safety and welfare and for incidental and other purposes.

Government Employees Superannuation Act 1987

An Act to provide superannuation schemes for employees of the Government and certain other persons; to constitute the Government Employees Superannuation Board; to constitute and provide for the administration and investment of the Government Employees Superannuation Fund and for connected purposes.

State Supply Commission Act 1991

An Act to provide a legislative framework for public sector supply management, establish clear responsibility for the coordination of supply policy across the “whole of government”, improve the effectiveness and efficiency of government supply activities through enhanced coordination and accountability and provide the means of devolving the operational aspects of supply to public authorities.

Freedom of Information Act 1992

An Act to provide for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for related purposes.

Disabilities Services Act 1993

An Act for the establishment of the Disability Services Commission and the Advisory Council for Disability Services, for the furthering of principles applicable to people with disabilities, for the funding and provision of services to such people that meet certain objectives, for the resolution of complaints by such people, and for related purposes.

Workplace Agreements Act 1993

An Act to provide for the making of agreements between employers and employees as to their respective rights and obligations, for the registration of such agreements by a public official, for the effect of such agreements, and for their enforcement, to confer qualified immunity for certain industrial action relating to such agreements, and to provide for related matters.



Minimum Conditions of Employment Act 1993

An Act to provide for minimum conditions of employment for employees in Western Australia and for related purposes.

Public Sector Management Act 1994

An Act to provide for the administration of the Public Sector of Western Australia and the management of the Public Service and of other public sector employment, to repeal the *Public Service Act 1978*; and to provide for related matters.

State Records Act 2000

An Act to provide for the keeping of State records and for related purposes.

Financial Administration Act 2006

An Act to make provision for the administration of the public authorities and other bodies, to provide for annual reporting by departments and statutory authorities and to authorise and regulate the investment of certain public moneys.

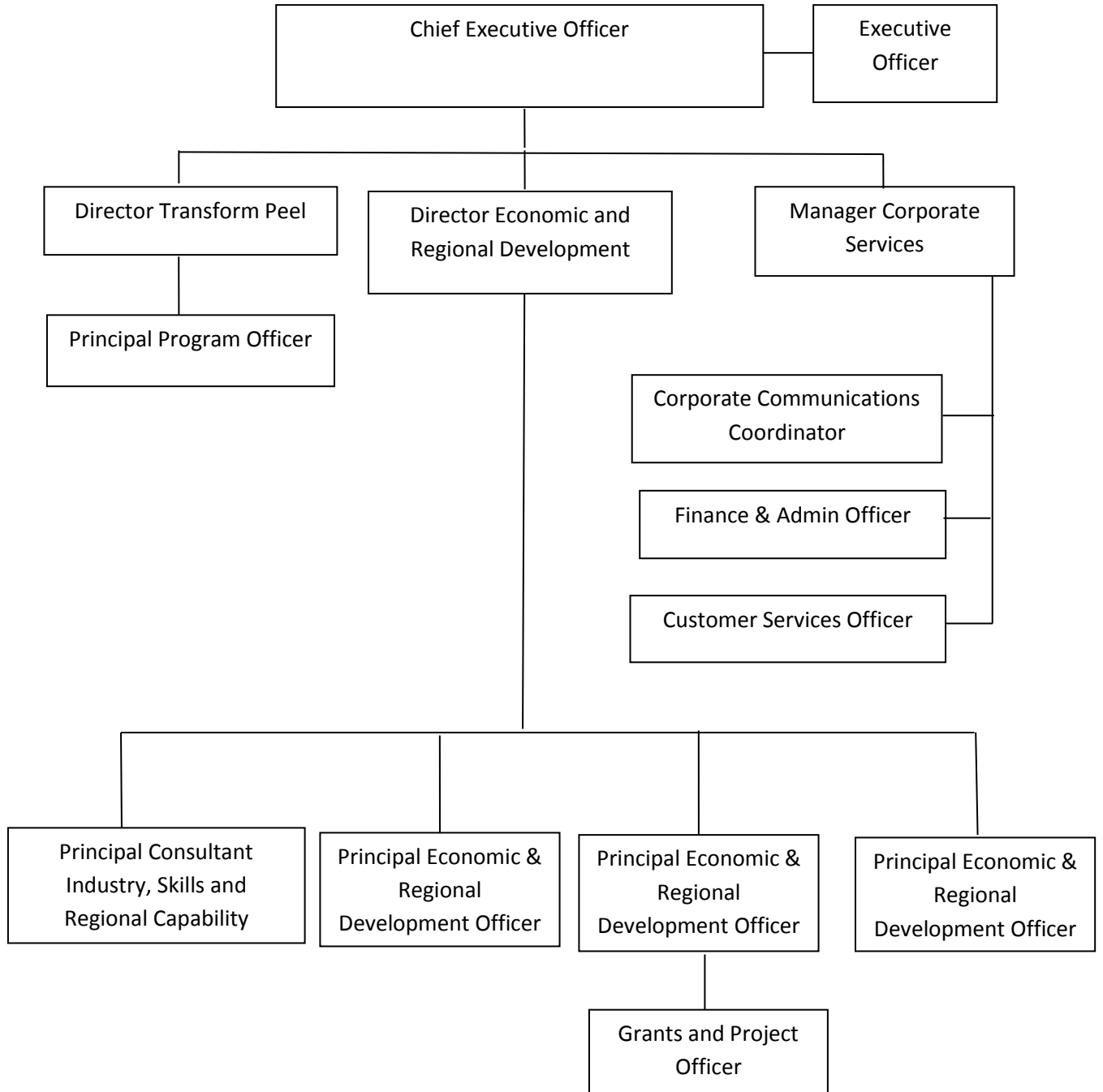
Agency Structure and Decision Making Functions

The Peel Development Commission reports to the Hon Terry Redman MLA, Minister for Regional Development; Lands; Minister Assisting the Minister for State Development. The Minister has the power to direct the Commission, either generally or with respect to a particular matter, on the exercise and performance of its powers, functions and duties under the *Regional Development Commissions Act 1993*. The Commission must give effect to such directions.

The Peel Development Commission is governed by a Board of Management that meets bi-monthly. Under the *Regional Development Commissions Act 1993*, the Minister for Regional Development is provided with the authority to appoint Board members, including the Chairperson, the Deputy Chairperson and the Chief Executive Officer of the Commission (ex-officio).

With the exception of the Chief Executive Officer, all members are appointed for a period of up to three years and comprise one third of the members being residents of the Peel community, one third being nominated by Local Government and one third appointed at the Minister's discretion.

The Peel Development Commission's approved establishment structure as at 23 February 2017.



Public Participation

There are three Community representative positions on the Peel Development Commission Board, these positions are available to people who are residents in the region. Expressions of interest for nomination to the Board are advertised from time to time as appointments expire and positions become available. Nominees will be considered on their decision making ability at an executive level, a demonstrated involvement in either the economic, environmental or social development of the Peel Region and the ability to work cooperatively to achieve agreed goals across a wide range of social and economic issues.

The Commission welcomes views and comments from members of the public and bodies outside the Western Australian Government on the formulation and performance of its projects, activities and policies. General participation is possible in the following way:

- Making oral or written representations to the Commission;
- Putting submissions to the Board on matters chaired by the Commission; and
- Providing expert or specialist advice on matters on an 'ad hoc' basis.

Documents Held by the Peel Development Commission

The Peel Development Commission publishes documents available for public review on the Commission's website at www.peel.wa.gov.au. Documents such as the current and previous Annual Reports, policies and plans can be found in the publications section of the website. From time to time the Commission may publish reports which will be made available at the Minister's discretion.

Other types of documents held by the Peel Development Commission for which a Freedom Of Information Application is required include (but is not limited to):

- Audit reports and supporting documentation
- Business plans
- Correspondence
- Ministerial correspondence
- Minutes, agendas and papers of meetings
- Personnel information
- Records relating to administrative operations
- Service Level Agreements
- Memorandums of Understanding
- Strategic Development Plans
- Tender and quotation responses.

OPERATION OF FOI IN THE PEEL DEVELOPMENT COMMISSION

The Peel Development Commission requires a formal written application for documents requested under the Western Australian *Freedom of Information Act 1992*.

A valid application must:

- be in writing addressed to the Freedom of Information Coordinator, Peel Development Commission, 45 Mandurah Terrace, Mandurah WA 6210. Postal address PO Box 543, Mandurah WA 6210, by post, hand or email;
- be accompanied by a \$30 application fee for non-personal information;
- give an Australian address for correspondence;
- give enough information to enable identification of the documents being requested; and
- indicate what kind of access is required.

When seeking access to general information it is preferable to first discuss the issue with the Commission's Freedom of Information Co-ordinator by telephoning 9535 4140.

The Commission processes Freedom of Information applications in accordance with the *Freedom of Information Act 1992*.

Processing the Application

Under the Western Australian *Freedom Of Information Act* the Commission is required to respond to applications for information (other than personal information) as soon as practical and in any event before the end of the "permitted period". The permitted period is 45 days after the access application is received for all applications. Where an application is for amendment of personal information, pursuant to Part 3 of the *FOI Act*, the permitted period is 30 days.

Financial Costs

The following charges can be applied by the Commission when processing a Freedom Of Information application for non-personal information:

- Charge for time taken dealing with the application - \$30 per hour;
- Charge for access time supervised by staff - \$30 per hour;
- Charges for photocopying - \$30 per hour, plus-20c per A4 copy
- Charges for time taken by staff transcribing information from a tape or other device - \$30 per hour;
- Charge for duplicating a tape, film or computer information - actual cost;
- Charge for delivery, packaging and postage - actual cost.

In cases where charges are likely to be higher than \$25 the applicant can request details of the estimated charge as soon as possible after lodging their application.

The Commission reserves the right to request a deposit of between 25-75% in advance for the work to be undertaken.

Notice of Decision

Within the 'permitted period' the Commission will provide the applicant with a notice of decision which will include:

- the day on which the decision was made;
- the name and designation of the officer who made the decision;
- if access is refused, reasons for exemption;
- if access is approved, arrangements for giving access; and
- rights of review and procedures to be followed.

Refusal of Access

While the Western Australian *FOI Act* encourages open government through the release of documents and information, there is provision under Section 23 of the *Freedom of Information Act*, to refuse access on a range of grounds, these include:

- Exempt documents with an exemption certificate;
- A document that does not belong to this Commission;
- A document that where access would contravene a limitation (relates to private collections);
- A document that is an edited copy;
- A document containing personal information relating to a child who has not turned 16; and
- A document containing personal information relating to a person who is intellectually handicapped.

The Review Process

The Freedom of Information Act provides for a review and appeal process. Applicants may seek an Internal Review if they are dissatisfied with the decision of the Freedom of Information Co-ordinator. If they are still dissatisfied following the internal review then a review by the Information Commissioner may be requested. If still not satisfied, applicants may appeal to the Supreme Court.

Applicants who are not satisfied with the decision of the FOI Co-ordinator can apply to the Commission for an Internal Review of that decision. Applications for an Internal Review must be lodged at the Commission within 30 days of receipt of notice of the Commission's decision. The Commission will respond within 15 days or any longer period agreed between the applicant and the Commission. The Internal Review will be carried out by the Chief Executive Officer. There is no charge for an internal review.

Applicants who are still dissatisfied after the Internal Review has been completed may seek a review by the Information Commissioner. This request must be made in writing, giving details of the decision to which the complaint relates. Complaints should be made to the Information Commissioner and addressed as follows:

The Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000

Any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application and the payment of a deposit on account of charges.

Access to Information

Arrangements for access are negotiable and will be as considered appropriate and acceptable to both the Commission and the applicant.

Access will usually be available between 8.30am and 4.30pm, Monday to Friday at the Commission's office, 45 Mandurah Terrace, Mandurah WA 6210. However, prior arrangements should be made with the FOI Co-ordinator before visiting the offices with a view to inspecting information. This is to ensure that all requested information is assembled for viewing. Some may have to be retrieved from archives. Any enquiries concerning access to documents or other matters relating to Freedom of Information should be directed to the Freedom of Information Co-ordinator, Peel Development Commission.

Personal Information

Employee details with respect to both personal and employment information are retained on the Commission's online human resource management system as well as on individual personal files.

The online recording system is security protected; personal files are retained by the Manager Corporate Services and locked daily. Access to the online recording system is restricted to Human Resource staff. An individual wishing to access his or her own personal file can do so only under the direct supervision of the Manager Corporate Services.

No fee or charge is payable in respect of an application to amend personal information or a request for a notation or attachment disputing the accuracy of information which the Commission has decided not to amend. All applications relating to personal information should be in writing. Personal information can be factual or routine information, opinions or evaluative material, such as advice or recommendations of a third party. Applications will be dealt with as quickly as possible and in any case within 30 days of receipt.

The right to amend personal information in a document held by the Commission exists to ensure that personal information which may be used by the Commission does not unfairly harm the person referred to, does not misrepresent facts about him or her or does not give a misleading impression.

Applicants must provide details and, if necessary, documentation in support of their claim that the information they seek to have amended is inaccurate, incomplete, out of date or misleading. In addition, applicants must indicate how they wish the amendment to be made within the options set out in the *Act*, for example:

- Altering information;
- Striking out or deleting information;
- Inserting information;
- Inserting a note in relation to information.

On reaching a decision, the Commission will, within 45 days of receipt of the application, give the applicant written notice of its decision. Where a decision is made to amend the information, the notice will give details of the amendment, and where practical will include a copy of the amended documents.

If the decision is not to amend the information, the notice will inform the applicant of the reason/s for the decision, along with details of an applicant's right of review and/or appeal, and the right to request that a notation be added to the document, disputing the accuracy of the information.

Any enquiries concerning personal information should be directed to the Freedom of Information Coordinator, Peel Development Commission.